

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3394 of 2020

Ishwar Ram Rajwade S/o Shri Manohar Rajwade Aged About 36 Years Caste-
Rajwar, R/o Village- Latori (Bhandarpara), Police Out Post- Latori, P.S.
Jainagar, Tahsil And District- Surajpur, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Out Post Latori, P.S. Jainagar,
Tahsil And District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Prasad, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 39/2020 registered in Police Station -Jainagar, District- Surajpur (CG) for alleged commission of offence under Section 302 IPC.
2. Case of the prosecution, in brief, is that there was a property dispute between the applicant and the deceased who was his aunt and in that property dispute, when the deceased started demanding her share, applicant assaulted her and killed.
3. Learned counsel for the applicant would submit that the applicant has been arrested only on the basis of suspicion and on the basis of so called extra-judicial confession recorded by the police which is not at all admissible in the evidence. He submits that seizure of a club after about two and half months of the incident, without any report of it containing blood much less

that of the group and origin of the deceased, carries no evidentiary value. Learned counsel for the applicant submits that except this, there are no other material and present is a case of no evidence.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that after death when enquiry was made and accused was taken into custody in the presence of villagers, he confessed before the police authority that because of the dispute over the property, he killed his aunt. Learned State counsel submits that as the confession was made by the applicant in the presence of villagers, which is so stated in their case diary statement, it would amount to extra-judicial confession and would be admissible in evidence. He further submits that even a club has been seized and the deceased is found having died because of head injury caused by hard and blunt object.
5. I have heard learned counsel for the parties. On prima facie consideration, the applicant has been involved on the basis of so called extra-judicial confession made by him before the police. The recovery of club after two and half months of the incident, does not connect the applicant with the alleged commission of offence in the absence of there being any blood stained material. The story of dispute is said to be contained in so called extra-judicial confession. Therefore, looking to the aforesaid material on record, in the opinion of this Court, present is a fit case for grant of bail.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge